

HOUSE BILL 1004

By Darby

AN ACT to amend Tennessee Code Annotated, Title 1;
Title 4; Title 49; Title 62; Title 63; Title 68 and Title
70, relative to appointed members of state
governmental entities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 1, Chapter 3, is amended by adding the following as a new section:

(a) Notwithstanding any law to the contrary:

(1) An appointed member of a board, commission, or other governing body for a state governmental entity serves in such capacity until the expiration of the term to which the member was appointed and until the member's successor is duly appointed and qualified. This service requirement is in accordance with Article VII, Section 5 of the constitution of the state of Tennessee and common law.

(2) An appointed member of a board, commission, or other governing body for a state governmental entity may be removed by the member's appointing authority with or without cause. A vacancy created by the removal of a member is filled by the appointing authority in the same manner as the original appointment.

(b) As used in this section, "state governmental entity" means an entity listed in title 4, chapter 29, part 2.

SECTION 2. Tennessee Code Annotated, Section 4-56-106(a), is amended by deleting the subsection and substituting the following:

(a)

(1) There is created an advisory council on state procurement that consists of five (5) voting members and seven (7) nonvoting members.

(2) The five (5) voting members of the advisory council include:

(A) One (1) representative of state agencies appointed by the commissioner of general services;

(B) One (1) representative from the department of general services appointed by the commissioner of general services;

(C) One (1) representative from the department of finance and administration appointed by the commissioner of finance and administration;

(D) One (1) representative from the office of the comptroller of the treasury appointed by the comptroller of the treasury; and

(E) The chief procurement officer, who serves as an ex-officio member and as chair of the council.

(3)

(A) The speaker of the house of representatives, the speaker of the senate, and the governor each appoint two (2) nonvoting representatives to the advisory council, with one (1) representative from the bidder or vendor community and one (1) representative recommended by the National Institute of Government Purchasing. The chair of the fiscal review committee appoints one (1) nonvoting member to the advisory council.

(B) The members appointed under subdivision (a)(3)(A) must represent the proposer and vendor community and other procurement professionals.

(4) If a member resigns or becomes ineligible for service on the advisory council a successor must be appointed by the appropriate appointing authority in the same manner as the original appointment.

(5) All members must have a demonstrable working knowledge of the state procurement process.

(6) In making the appointments to the advisory council, the appointing authorities shall give due consideration to the age and sex of its members, and the geographic, racial, sex, and ethnic diversity of such persons.

SECTION 3. Tennessee Code Annotated, Section 4-56-106(b), is amended by deleting the subsection and substituting the following:

(b)

(1) Proxy voting is prohibited by voting members of the advisory council; provided, however, that, in instances where a voting member will be absent from a vote of the council, the member's appointing authority may appoint an alternate or designee for the vote.

(2)

(A) Any voting member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year is removed as a member of the advisory council.

(B) The chair of the advisory council shall promptly notify, or cause to be notified, the appointing authority of a voting member who fails

to satisfy the attendance requirement as prescribed in subdivision
(b)(2)(A).

SECTION 4. Tennessee Code Annotated, Section 4-56-106, is further amended by deleting subsections (c) and (d).

SECTION 5. Tennessee Code Annotated, Section 49-1-312(b), is amended by deleting "All appointments" and substituting instead "Gubernatorial appointments".

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.